

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Isaul RODRIGUEZ-Banuelos,

Defendant

Magistrate Docket No.

'08 MJ 0930

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **March 25, 2008** within the Southern District of California, defendant, **Isaul RODRIGUEZ-Banuelos**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James E. Bailey
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 26th DAY OF MARCH 2008



William McCurine, Jr.
UNITED STATES MAGISTRATE JUDGE

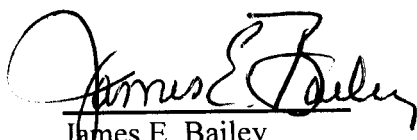
CONTINUATION OF COMPLAINT:**Isaul RODRIGUEZ-Banuelos****PROBABLE CAUSE STATEMENT**

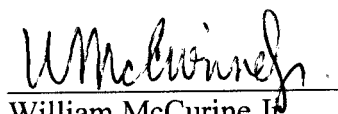
On March 25, 2008 at approximately 12:05 a.m., Border Patrol Agents Nutter and Elizarraras responded to a call from the Infrared Scope Operator, Senior Patrol Agent Peraza, of a group of three suspected illegal aliens trying to make their way north across Otay Lakes Road, near Jamul, California. This area is approximately eight miles east and six miles north of the Otay Mesa, California Port of Entry.

First to arrive on scene was Supervisory Border Patrol Agent David K. Meyer; he approached the individuals and identified himself as a Border Patrol Agent. Agent Meyer was able to detain one of the suspected illegal aliens while the other two ran away from him into the Steel Pole Line Draw. Border Patrol Agents Nutter and Elizarraras arrived on scene approximately five minutes later and did a search of the area walking up the draw, with the assistance of the infrared scope operator, Agent's Nutter and Elizarraras were able to locate the other two suspected illegal aliens that were located within 200 yards south of Otay Lakes Road, lying down on a trail. The agents approached the individuals, one of the two individuals stayed and gave up while the other suspected illegal alien got up and fled up the draw over rocky terrain. Agents Nutter and Elizarraras gave chase and caught up with the suspected illegal alien. The illegal alien gave up and went to the ground as the two agents approached him. The agents identified themselves as Border Patrol Agents.

The three suspected illegal aliens were gathered together and questioned by Agent Nutter as to their immigration status. The three individuals, including one later identified as the defendant Isaul RODRIGUEZ-Banuelos freely admitted to being citizens and nationals of Mexico without having the proper immigration documents allowing them to be or remain in the United States legally. The three illegal aliens were arrested at approximately 12:15 a.m. and were transported to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 30, 2007** through **El Paso, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.


James E. Bailey
Senior Patrol Agent


William McCurine Jr.
U.S. Magistrate Judge


Date/Time